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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/747,746   | 12/29/2003  | Frederick A. Jelley  | 60130-1623;02MRA0364 | 6138             |
| 26096  | 7590        | 11/17/2005           | EXAMINER             |                  |
| CARLSON, GASKEY & OLDS, P.C.<br>400 WEST MAPLE ROAD<br>SUITE 350<br>BIRMINGHAM, MI 48009 |             |                      | SICONOLFI, ROBERT    |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 3683                 |                  |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/747,746

Applicant(s)

JELLEY ET AL.

Examiner

Robert A. Siconolfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 28, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 28, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Amendment filed on 8/30/05 has been received.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1,5,28,29,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U. S. Patent no. 5,921,354) in view of Van Keuren (U. S. Patent no. 2,274,945).

Evans discloses:

See figures 5-10, brake member 32, first arm 41, second arm 42, first and second pivots 82. Regarding adjustability, see figure 10

Evans does not disclose placing the pivot on the opposite side of the plane of rotation from the engaging portion of the arm. Van Keuren teaches placing the pivot on the opposite side of longitudinal axis from an engaging portion of the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the pivot on the opposite side of the plane of rotation from the engaging portion of the arm as it increases the leverage available which means a smaller, lighter actuator can be used which saves costs, eases installation, and reduces unsprung weight of the vehicle.

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4. Claims 1,2,3, 5,28,29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (U. S. Patent no. 3,318,420) in view of Van Keuren (U. S. Patent no. 2,274,945)..

Adams discloses:

See figures 1-3, brake member 14, first arm 12, second arm 13, first pivot 45, second pivots 46, spring 2 Regarding adjustability, see figure 3

Adams does not disclose placing the pivot on the opposite side of the plane of rotation from the engaging portion of the arm. Van Keuren teaches placing the pivot on the opposite side of longitudinal axis from an engaging portion of the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the pivot on the opposite side of the plane of rotation from the engaging portion of the arm as it increases the leverage available which means a smaller, lighter actuator can be used which saves costs, eases installation, and reduces unsprung weight of the vehicle.

5. Claims 1,4,5,28,29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al (U. S. Patent no. 3,109,517) in view of Van Keuren (U. S. Patent no. 2,274,945).

Butler et al discloses: See figures 1-3, brake member 10, first arm 12, second arm 12, first and second pivots 33, drive means 29

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Butler does not disclose electric drive means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use electric drive means in the system of Butler et al as electric wires are easier to route than fluid ones and are generally more robust.

Butler does not disclose placing the pivot on the opposite side of the plane of rotation from the engaging portion of the arm. Van Keuren teaches placing the pivot on the opposite side of longitudinal axis from an engaging portion of the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the pivot on the opposite side of the plane of rotation from the engaging portion of the arm as it increases the leverage available which means a smaller, lighter actuator can be used which saves costs, eases installation, and reduces unsprung weight of the vehicle.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert A. Siconolfi  
Primary Examiner  
Art Unit 3683  
11/14/05

RS